

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/538,038	03/29/00	BEARLEY	J 1978-4051

MORGAN & FINNESAN LLP
345 PARK AVENUE
NEW YORK NY 10154-0050

HM42/0927

EXAMINER

CELSA, R

ART UNIT	PAPER NUMBER
----------	--------------

1827

DATE MAILED: 09/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

File
copy



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/ 538,038			

EXAMINER	
Celsa, Bennett	
ART UNIT	PAPER NUMBER
1627	9

Please find below a communication from the EXAMINER in charge of this application

NOTICE TO COMPLY WITH SEQUENCE RULES: BONA FIDE ATTEMPT

The communication filed 7/6/01 is not fully responsive to the Office communication mailed 6/20/01 (paper no. 6) for the reason(s) set forth on the attached Notice To Comply With the Sequence Rules and the following reasons:

The amendment to the specification, drawings and claims **HAS NOT BEEN ENTERED** since the number and nature of the amendments render it difficult to consider and execute the application and arrange the papers for printing or copying due to its extensive nature. See 37 CFR 1.125.

Sequence identifiers are necessary in order to fully comply with the sequence rules and to permit the Examiner (and where applicable the STIC-Library staff) to check compliance with the sequence rules, permit the making of a proper restriction and search of the presently disclosed and claimed invention.

Accordingly, A **substitute specification and substitute claims** are required pursuant to 37 CFR 1.125(a) and pursuant to the Sequence Rules. A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the above-mentioned reply appears to be *bona fide* attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

General information regarding further correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (703) 305-7556.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jyothsna Venkat (art unit 1627), can be reached at (703)308-0570.

Any inquiry of a general nature, or relating to the status of this application, should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Bennett Celsa (art unit 1627)

September 26, 2001

BENNETT CELSA
PRIMARY EXAMINER

Handwritten signature of Bennett Celsa, consisting of a stylized 'B' followed by a cursive 'Celsa'.

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821.
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☒ 7. Other: NON-ENTRY OF AMENDMENT TO PLACE SEQ IDENTIFIER
SUBSTITUTE SPECIFICATION & CLAIMS NECESSARY.

Applicant must provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing" specification & claims and
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no ^{of} new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123
 For CRF submission help, call (703) 308-4212
 For PatentIn software help, call (703) 308-6856

Please return a copy of this notice with your response.